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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,180	01/22/2002	Mark A. Felkey	WMA01004	9669

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2454

NOTIFICATION DATE	DELIVERY MODE
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04/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/051,180	Applicant(s) FELKEY ET AL.	
	Examiner DUSTIN NGUYEN	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 are presented for consideration.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/20/2011 has been entered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 and 40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It appears claims 1 and 40 would reasonably be interpreted by one of ordinary skill as a system of software per se, failing to fall within a statutory category of invention. In the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the terms "web tier", "application tier", "database tier", "SAT tier" as software applications. As such, the system of software alone is not a machine, it is clearly not a process, manufacture nor composition of matter [Please see MPEP 2106].

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Claim 39 is directed to a computer program product in a computer readable medium wherein the computer readable medium, according to paragraph 0114 and 0115 of specification, also includes transmission-type media, such as wave. Applicant has provided evident that Applicant intends the medium to include signals as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim is not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not combination of substances and therefore not a composition of matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-11, 14, 15, 19, 20, 25-30, 33, 34 and 40 are rejected under 35

U.S.C. 102(e) as being anticipated by Pirot et al. [US Patent No 6,856,676].

5. As per claim 1, Pirot discloses the invention as claimed including a system for providing software integration for on-line procurement of telecommunications offerings [i.e. provision services with customers and provide service management tools for managing the services] [Figures 2 and 3; and Abstract], comprising:

a web tier configured to receive a request or a user action from a web server [i.e. interfaces for various networks] [42, 70, Figures 2 and 3; col 4, lines 45-57; and col 5, lines 19-65], and to access web content [i.e. webpages] [col 4, lines 29-35]; and

an application tier coupled to the web tier and including a business and integration tier configured to perform order management, online ordering or user management functions [i.e. service provisioning function to create and modify service subscribers and associated profiles] [52, Figures 2 and 3; col 4, lines 65-col 5, lines 4; and col 7, lines 59-col 8, lines 1-67], and a presentation tier configured to establish a customer portal [i.e. self service tool] [col 8, lines 3-11; and col 11, lines 16-41],

a database tier in communication with the application tier [i.e. access databases] [col 7, lines 46-58], and

a service availability tool (SAT) tier, in communication with the application tier, configured to pre-qualify a customer for the telecommunication offerings [i.e. authentication, authorization and accounting functions, and screen the request] [col 8, lines 12-49; and col 11, lines 16-41],

wherein the web tier or the application tier includes software objects extended from general-purpose software objects to support procurement of the telecommunications offerings on-line and custom software objects created to support procuring of the telecommunications offering on-line [i.e. tools for provision services with customers] [Abstract; col 8, lines 3-11; and col 16, lines 4-25].

6. As per claim 6, Pirot teaches the system of claim 1, wherein the web tier includes a back office portal including the custom software objects and configured to provide to the web server context-sensitive contact information, callback forms, help center information, or requests for inventory [col 13, lines 14-43].

7. As per claim 7, Pirot teaches the system of claim 1, wherein the web tier includes a customer portal including the extended software objects and configured to provide to the web server customer order information, customer support information, or customer order status information, wherein the extended software objects include software objects extended from software objects included in a generic architecture, extended to support ordering telecommunications services or products [i.e. customer care, service assurance and monitoring, service creation, provisioning and management] [54, 56, 58, 60, Figure 2].

8. As per claim 8, Pirot teaches the system of claim 1, wherein the application tier includes an order management function for providing to the web tier the context-sensitive contact information, callback forms, help center information, or requests for inventory [col 13, lines 14-43].

9. As per claim 9, Pirot teaches the system of claim 1, wherein the application tier includes an online ordering function for providing online ordering functionality to the web tier [i.e. new services] [Abstract; and col 4, lines 65-col 5, lines 4].

10. As per claim 10, Pirot teaches the system of claim 1, wherein the application tier includes a user management function for providing user management functionality to the web tier [i.e. subscriber management] [col 7, lines 59-col 8, lines 2].

11. As per claim 11, Pirot teaches the system of claim 1, further comprising a database tier couple to the web tier or application tier and configured to persist data, store objects or store tables [i.e. access databases] [col 7, lines 46-58].

12. As per claim 14, Pirot teaches the system of claim 1, wherein the software objects or the custom software objects belong to an order domain configured to support and order class [col 4, lines 58-64].

13. As per claim 15, Pirot teaches the system of claim 1, wherein the extended software objects or the custom software objects belong to a fulfillment status domain configured to provide order fulfillment functionality [col 5, lines 11-15].

14. As per claims 19, 20 and 40, they are rejected for similar reasons as stated above in claim 1. Furthermore, Pirot discloses establishing a customer portal, producing web pages, and navigating uniform resource locators (URLs) in an application tier [col 11, lines 16-41; col 12, lines 45-62; and col 13, lines 14-24].

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15. As per claims 25-30, they are rejected for similar reasons as stated above in claims 6-11.

16. As per claims 33 and 34, they are rejected for similar reasons as stated above in claims 14 and 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2-5, 12, 13, 16-19, 21-24, 31, 32, and 35-38 are rejected under 35 U.S.C. 103(a) as being anticipated by Pirot et al. [US Patent No 6,856,676], in view of Crawford, Christopher M. [US Patent No 6,014,651].

18. As per claim 2, Pirot does not specifically disclose wherein the web tier includes reconfigured software objects that include reconfigured JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects. Crawford teaches the system of claim 1, wherein the web tier includes reconfigured software objects that include reconfigured JavaServer Pages (JSPs), reconfigured transition policies, or

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reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34). It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Pirot and Crawford because the teaching of Crawford would enable to provide an on-line service that supplies automated information processing services to computer users [Crawford, col 1, lines 11-17].

19. As per claim 3, Crawford teaches the system of claim 1, wherein the web tier includes the custom software objects that include custom JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

20. As per claim 4, Crawford teaches the system of claim 1, wherein the application tier includes reconfigured software objects that include reconfigured JavaServer Pages (JSPs), reconfigured transition policies, or reconfigured display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

21. As per claim 5, Crawford teaches the system of claim 1, wherein the application tier includes the custom software objects that include custom JavaServer Pages (JSPs), custom transition policies, or custom display objects (Col. 16, lines 57-65; Col. 17, lines 1-5; Col. 35, lines 24-34).

22. As per claim 12, Crawford teaches the system of claim 11, wherein at least one of the web tier and the application tier is configured to generate custom tables to extend

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a schema of tables (Col. 22, lines 9-19; Col. 35, lines 26-31; Col. 36, lines 38-41; Col. 39, lines 14-16).

23. As per claim 13, Crawford teaches the system of claim 12, wherein at least one of the web tier and the application tier are configured to map the custom tables to the extended software objects or the custom software objects (Col. 21, lines 55-62).

24. As per claim 16, Crawford teaches the system of claim 1, wherein the extended software objects or the custom software objects belong to a move, change or disconnect domain configured to store summary information of order entry and status applications (Col. 9, lines 40-48; Col. 30, lines 16-20; Col. 46, lines 24-27).

25. As per claim 17, Crawford teaches the system of claim 1, wherein the extended software objects or the custom software objects belong to an order activity domain configured to carry out business logic or application logic for order management events involving persistence, transaction-sensitive data retrieval or specialized business logic (Col. 3, lines 4-7; Col. 4, lines 43-59; Col. 69, lines 38-43, lines 49-53).

26. As per claim 18, Crawford teaches the system of claim 1, wherein the extended software objects or the custom software objects belong to a helpers domain configured to create domain objects, perform specialized business logic or perform persistence of

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domain objects (Col. 2, lines 7-9, 63-67; Col. 3, lines 1-7; Col. 4, lines 43-59; Col. 10, lines 13-16; Col. 18, lines 29-34; Col. 69, lines 38-43, lines 49-53).

27. As per claim 19, Crawford teaches the system of claim 1, wherein the extended software objects or the custom software objects belong to a customer support domain configured to provide storage for information needed to retrieve an appropriate set of contact information for back office personnel (Col. 2, lines 63-67; Col. 3, lines 1-4, lines 29-31; Col. 4, lines 48-59; Col. 8, lines 24-27, lines 55-60; Col. 10, lines 1-4; Col. 69, lines 38-43, lines 49-53).

28. As per claims 21-24, they are rejected for similar reasons as stated above in claims 2-5.

29. As per claims 31 and 32, they are rejected for similar reasons as stated above in claims 12 and 13.

30. As per claims 35-38, they are rejected for similar reasons as stated above in claims 16-19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUSTIN NGUYEN whose telephone number is (571)272-3971. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DUSTIN NGUYEN/
Primary Examiner, Art Unit 2454